

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

JUAN DE DIOS CORTES,

Plaintiff

vs.

METLIFE, INC.,

Defendant

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CIVIL NO. 98-2286 (JP)

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U.S. DISTRICT COURT  
OLD SAN JUAN, P.R.

FINAL JUDGMENT

Pursuant to the Opinion and Order of October 16, 2000, the Court hereby **ENTERS JUDGMENT** for Plaintiff Juan de Dios Cortés, to have and recover from against Defendant MetLife, Inc. the following amounts:<sup>1</sup>

(1) **Fourteen thousand four hundred fifty-four dollars and forty cents (\$14,454.40)**, for past benefits due under the Sears Roebuck Co. Group Long Term Disability Insurance Plan ("the Plan") (representing \$451.70 per month from April 1998 to November 2000); (2) payment of **Four hundred fifty-one dollars and seventy cents (\$451.70) monthly** beginning December 2000 and continuing as long as Plaintiff remains

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<sup>1</sup>As Defendant MetLife, Inc. failed to submit a proposed computation of the Long Term Disability Benefits due to Plaintiff under the Sears Roebuck Co. Group Long Term Disability Insurance Plan, notwithstanding a Court Order granting Defendant an extension of time until November 9, 2000 to submit this information, the Court relies exclusively on Plaintiff's proposed computation in entering judgment herein. Nor did Defendant file an opposition to Plaintiffs' motion for attorneys' fees.

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totally disabled under the Plan; and (3) attorneys' fees in the amount of **Eighteen thousand five hundred and ninety dollars (\$18,590.00)**. The Court finds the award of attorneys' fees proper in light of the strength of Plaintiff's case, the Court's finding that Defendant improperly disregarded evidence strongly supportive of an emotional component to Plaintiff's disability and information that Plaintiff had been awarded Social Security benefits, and Defendant's ability to satisfy an award of attorneys' fees. See 29 U.S.C. § 1132(g)(1); Wegner v. Standard Ins. Co., 129 F.3d 814, 821-22 (5<sup>th</sup> Cir. 1997); Mein v. Pool Co. Disabled Int'l Employee Long Term Disability Benefits Plan, 989 F. Supp. 1337, 1351-52 (D. Colo. 1998).

IT IS SO ORDERED AND ADJUDGED.

In San Juan, Puerto Rico, this <sup>14/5</sup> day of November, 2000.



JAIME PIERAS, JR.  
U. S. SENIOR DISTRICT JUDGE